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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,745	12/10/2001	Kathleen R. McKeown	A32313-PCT	3754
21003	7590	10/01/2003	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2172	6

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/913,745

Applicant(s)

MCKEOWN ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) 5, 12 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

1. This office action is in response to the application filed on December 10, 2001, in which claims 1-22 are pending for examination.

### ***Drawings***

2. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

### ***Information Disclosure Statement***

3. The information disclosure statement (IS) filed on October 18, 2001 complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits. (See attached form).

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

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***Specification***

5. The disclosure is objected to because of the following informalities: the specification recites "DSYNT". No meaning has been given for the "DSYNT". Applicants are advised to provide a clarification of such terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure

***Claim Objections***

6. Claims 3, 10 and 18 are objected to because of the following informalities: the claims recite "DSYNT" which has no meaning in the specification. Applicants are advised to amend the claims by providing a clarification of such terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure in the claims

***Claim Rejections - 35 U.S.C. § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 8 and 15 recite the use of generating a summary of a plurality of related documents in a collection. However the body of the claims does not perform what is set forth in the preamble. Applicants are advised to amend the claims to provide an interconnection between the

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preamble and the body of the claims. Applicant should be careful not to introduce any new matter into the disclosure in the claims

***Claim Rejections - 35 U.S.C. § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6-11, 13-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razin et al., (hereinafter "Razin") US Patent no. 6,098,034.

As to claim 1, Razin discloses the claimed "extracting phrases having focus elements from the plurality of documents" extracting phrases in a document by automatic extraction from the documents of sequence of words constituting significant user phrases that are significantly similar but not identical to significant user phrases (col.2, lines 43-60; col.3, lines 20-63); "performing phrase intersection analysis on the extracted phrases to generate intersection table" an automatic generation of suggested phrasing for the approximately matched phrasings that conforms its phrasing to the standard (col.2, lines 43-60); "performing temporal processing on the phrases in the phrases to generate intersection table" identifying phrases of a document to create a preliminary list of standard phrases and analyzing the suffix tree (col.2, lines 43-60). Razin does not disclose the use of "performing sentence generation using the phrases in the phrase intersection table". However, Razin discloses a sentence suffix trees which is defined as a trie representing a set of sequence comprising

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all of the suffixed of all of the sentences in a given document (col.7, line 60-col.8, line 30). It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify Razin's system, wherein the standardizing document, provided thereof (see Razin's col.3, lines 20-30) would incorporate the use of performing sentence generation using the phrases. One having ordinary skill in the art would have found it motivated to use a modification because that would provide Razin's system the enhanced capability of ensuring the syntactic coherence of the document, thereby maximizing the efficiency and speed of suffix tree construction while minimizing its complexity.

As to claim 2, Razin discloses the claimed "representing the phrases in tree structure having root nodes and children nodes" (col.7, lines 55-67; col.12, lines 58-67); "selecting those tree structures with verb root nodes" (col.12, lines 58-67); "comparing the selected root nodes to the other root nodes to identify identical nodes" (col.15, line 25-col.16, lines 56); "applying paraphrasing rules to non-identical root nodes to determine if non identical nodes are equivalent" (col. 17, lines 30-col.18, line 67; col.16, lines 42-57); "evaluating the children nodes of those tree structures where the parent nodes are identical or equivalent"(col. 17, lines 30-col.18, line 67).

As to claim 3, Razin discloses the claimed "wherein the tree structure is a DSYNT tree structure" as heuristic tree structure (col.2, lines 48-52; col.10, lines 40-65; col.12, lines 58-67).

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As to claim 4, Razin discloses the claimed “wherein the paraphrasing rules are selected from the group consisting of ordering of sentence components, main clause versus a relative clause, different syntactic categories, change in grammatical features, omission of an empty head, transformation of one part of speech to another, and semantically related words” (col.8, line 14-31).

As to claim 6, Razin discloses the claim “a phrase divergence processing operation” (col.9, lines 3-56).

As to claim 7, Razin discloses the claimed “wherein the sentence generation includes mapping phrases to an input format of a language generation engine and operating the language generation engine” (col.8, lines 15-31; col.9, lines 3-56).

As to claims 8-11 and 13-15:

Claims 8-11 and 13-15 are computer system to perform the method of claims 1-4 and 6-7. In addition, Razin discloses the claimed “a storage device for storing the documents in the collection” (col.8, lines 32-53); “a lexical database” (col.7, line 15-col.8, line 52); “a processing subsystem, the processing subsystem being operatively coupled to the storage device and the lexical database, the processing subsystem being programmed to access the documents in the storage device”(col.7, line 15-col.8, line 52); and “using the lexical database to extract phrases having focus elements from the plurality of documents” extracting phrases in a document by automatic extraction from the documents

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of sequence of words constituting significant user phrases that are significantly similar but not identical to significant user phrases (col.2, lines 43-60; col.3, lines 20-63).

16-20 and 21-22:

Claims 16-20 and 21-22 are computer usable medium having computer readable program code embodied therein to perform the method of claims 1-4 and 6-7. They are, therefore, rejected under the same rationale.

#### ***Allowable Subject Matter***

11. Claims 5, 12 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. Any inquiry concerning this communication or early communication from the Examiner should directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-9343.

Any response to this action should be mailed to:



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**Commissioner of Patents and Trademarks Washington, D.C. 20231**

**or faxed to:**

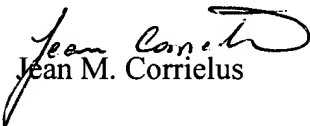
**(703) 746-7239**, (for formal communications intended for entry)

**Or:**

**(703) 746-7240** (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive, Arlington.**

**VA., Sixth Floor (Receptionist).**

  
Jean M. Corrielus

Patent Examiner

September 22, 2003